

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Walter William Cartwright, III,)	
)	
Plaintiff,)	ORDER GRANTING MOTION
)	FOR STAY
vs.)	
)	
Captain Chris Ray,)	Case No. 1:23-cv-085
)	
Defendant.)	

On March 20, 2024. Plaintiff Walter William Cartwright, III (“Cartwright”) filed a Motion to Stay Litigation. See Doc. No. 63. He asserts that “he does not have notes or information pertaining [to] this case in his possession that would aid his ability to answer either [Defendant's] request for discovery or interrogatories” because he was “taken back into custody” in his pending criminal case.¹ Anticipating that his criminal case will soon be resolved and that he will soon have fixed residence, he requests that the court stay this matter for sixty days.

On April 3, 2024, Defendant filed a response to Cartwright’s motion. See Doc. No. 64. He “acknowledges that there may be convenience for the parties-and potentially the Court-if litigation were stayed for a reasonable period of time under these circumstances.” He nevertheless advises that he takes no position on Plaintiffs request.

The court has broad discretion to stay further proceedings “to control its docket, to conserve judicial resources, and to ensure that each matter is handled ‘with economy of time and effort for

¹ Cartwright has entered a guilty to plea to a federal firearm charge. United States v. Cartwright, Case No. 1:22-cr-081 (D.N.D.) at Doc. Nos. 129, 146 and 160. On January 18, 2024, the court issued an order conditionally releasing him from Marshals Service custody on January 23, 2024, to a sober living facility pending sentencing. Id. at Doc. No. 142. On February 5, 2024, the court issued an order remanding him back into Marshals Service custody pending sentencing after he was terminated from the sober living facility. Id. at Doc. No. 144. He is scheduled to be sentenced on April 30, 2024. Id. at Doc. No. 160.

itself, for counsel, and for litigants.’” Parada v. Anoka Cnty., No. 18-795, 2020 WL 6488794, at *2 (D. Minn. Nov. 4, 2020) (quoting Landis v. N. Am. Co., 299 U.S. 248, 254 (1936)); see also Sierra Club v. U.S. Army Corps of Eng'rs, 446 F.3d 808,816 (8th Cir. 2006). “Factors relevant to a district court's determination on this matter include docket control, conservation of judicial resources, and facilitation of the just determination of cases pending before the court.” Aquilar v. Ocwen Loan Servicing, LLC, 289 F. Supp. 3d 1000, 1007 (D. Minn. 2018). “A discretionary stay disrupts the normal course of administrative and judicial review, so it is not guaranteed as of right.” Taqueria El Primo LLC v. Illinois Farmers Ins. Co., No. CV 19-3071 (JRT/ECW), 2023 WL 8559092, at *3 (D. Minn. Dec. 11, 2023). “The party moving to stay the proceedings ‘bears the burden of establishing its need,’” Id. (quoting Parada, 2020 WL 6488794, at *2); see also Jones v. Clinton, 72 F .3d 1354, 1364 (8th Cir. 1996) (Beam, J., concurring) (requiring the proponent of the stay to demonstrate the specific hardship or inequity that would result if required to proceed).

Having reviewed the parties’ submissions, the court is inclined to stay this matter as requested by Cartwright. First, a sixty-day stay is not exorbitant. Second, Defendant has not objected to a stay. Third, it does not appear that a stay would injure or otherwise unduly burden Defendant.

Accordingly, the court **GRANTS** Cartwright’s motion (Doc. No. 63) and stays this matter until June 7, 2024. On June 7, 2024, at 10:00 AM the court shall hold a conference with the parties by telephone to discuss the status of this matter and to otherwise reset pretrial deadlines. To participate in this conference, the parties should call (877) 810-9415 and enter access code 8992581.

IT IS SO ORDERED.

Dated this 9th day of April, 2024.

/s/ Clare R. Hochhalter

Clare R. Hochhalter, Magistrate Judge
United States District Court